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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,120	08/07/2003	Gerardo Orozco-Abundis	200206588-1	1561

22879 7590 11/02/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/636,120	<b>Applicant(s)</b> OROZCO-ABUNDIS, GERARDO	
	<b>Examiner</b> Dave A. Ghatt	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-15, and 17-18 is/are rejected.
- 7) ☒ Claim(s) 12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reopening of Prosecution After Filing of Appeal Brief***

1. In view of the appeal brief filed on 15 August 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 11, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakeman (US 4,150,896). Insofar as structure is recited, Wakeman teaches the claimed invention. Figures 5 and 6 of Wakeman teach an image capture device 23, comprising a housing 21, and at least one telescopic hinge, shown generally at 35 (comprising elements 30, 31, 33, segment A) operable to couple a lid 36 to the housing 21. See Marked-up Figure below. The applicant should note that with respect to the requirement for a telescopic hinge Wakeman teaches cylindrical hinge element 31 that slides inward or outward in an overlapping manner with the second cylindrical member (see marked-up Figure below), as the cylindrical sections of a small hand telescope do. This is all that is required to meet this particular claim limitation.

With respect to claim 2, the apparatus of Wakeman, the hook and loop arrangement 41, illustrated in Figure 6 provides a releasable coupling of the lid 36 to the housing 21.

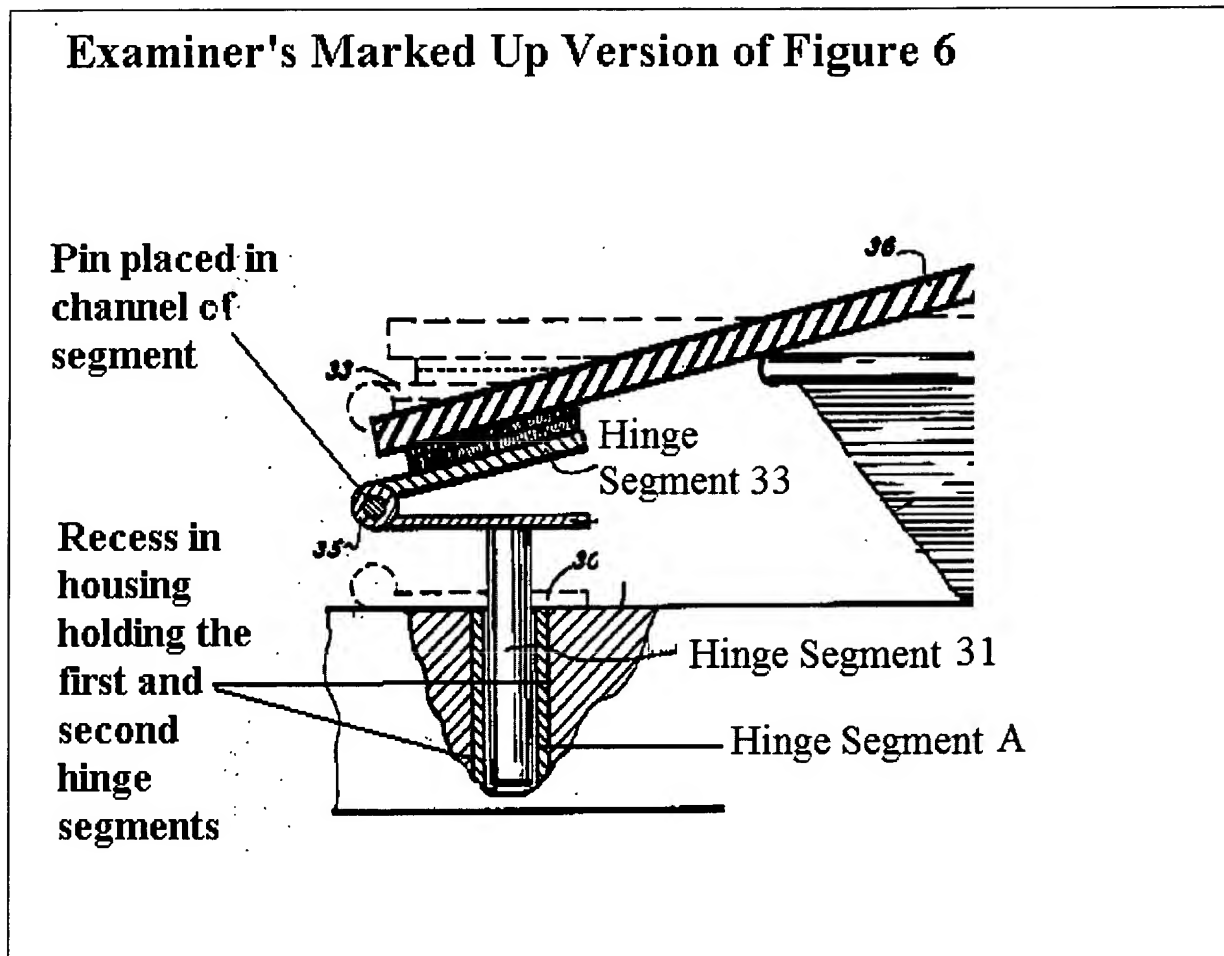
With respect to claim 3, Figure 6 shows at least one slot (recess) 32 in the housing 21, the at least one slot 32 operable to engage with at least a portion (Hinge Segment) of said at least one telescopic hinge 35 to prevent inadvertent decoupling of said at least one telescopic hinge 35 from said housing 21. (See the Examiner's Marked-up Figure Below)

With respect to claim 4, Figure 6 of Wakeman illustrates the housing having at least one recess corresponding to the at least one telescopic hinge 35. (See Marked-up Figure Below.)

With respect to claims 4 and 5, Figure 5 of Wakeman illustrates the housing having a plurality of recesses, with each telescopic hinge 35 being inserted into a corresponding recess 32

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to couple said lid 36 with the housing 21. The recess is also illustrated in the Examiner's Marked-up version of Figure 6.



With respect to claims 6 and 8, and the at least one telescopic hinge 35 of Lee et al., the Examiner's Marked-up version of Figure 6 shows a hinge segment 33, hinge segment 31, and hinge segment A. Figure 6 shows at least one hinge segment disposed in the recess in the housing 21.

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With respect to claim 7 and 9, as illustrated by the dotted lines in Figure 6, hinge segment 31 and hinge segment A are slidably engaged with each other.

With respect to claims 11 and 17, Figure 5 of Wakeman shows two telescopic hinges, each having a plurality of extensible segments (hinge segment 33 and hinge segment 31, illustrated above), the two hinges pivotally coupling the lid 36 to the housing 21. The applicant should note that hinge segment 33 is extensible from a horizontal orientation to a vertical orientation.

With respect to claims 13 and 14, Figure 6 of Wakeman teaches the first segment (hinge segment 31) comprising a ledge 30 near an end of the first segment, the ledge surrounding an opening (recess) at the end. See the Examiner's Marked-up copy of Figure 6.

With respect to claim 15, the second hinge segment (hinge segment 33), as shown in the marked-up Figure 6, comprises a latching member (the joint or hinge connecting element 33 with element 31) operable to engage with the ledge 30.

With respect to claim 18, the Examiner's Marked-up version of Figure 6 shows hinge segment 33, comprising a channel operable to accept a pin to pivotally couple the lid to the hinge.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (US 4,150,896) in view of Moore et al. (US 3,832,937). With respect to claim 10, as outlined in the above rejection to claims 1-9, 11, and 13-18, Wakeman teaches all the claimed subject matter except for a third segment in the telescopic hinge. Moore et al. teaches a telescopic device similar to that taught by Wakeman. As illustrated in Figure 3, Moore teaches a third segment slidably engaged with another segment. To one of ordinary skill in the art, it would have been obvious to provide a third segment as taught by Moore et al., in the apparatus of Wakeman, in order to increase the expansion capabilities of the telescopic hinge.

***Allowable Subject Matter***

6. Claims 12 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a first segment of said plurality of segments comprising a latching member operable to engage with a slot in the housing.

Claim 16 is indicated as having allowable subject matter because the prior art of record does not teach or render obvious the total combination claimed, including a second segment of said plurality of segments comprising a latching member, wherein the latching member surrounds an end of the second element.

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***Response to Arguments***

7. Applicant's arguments filed August 15, 2005 have been fully considered by the Office. The 35 U.S.C. 102 rejections based on Lin et al. (US 5,812,285) have been withdrawn. Also, a new ground of rejection to claim 11, based on Wakeman (US 4,150,896) has been applied. Consequently, this action has been made NON-final. The applicant should also note that claims 12 and 16 have now been indicated as having allowable subject matter.

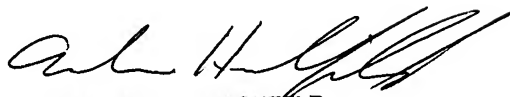
***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG

  
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